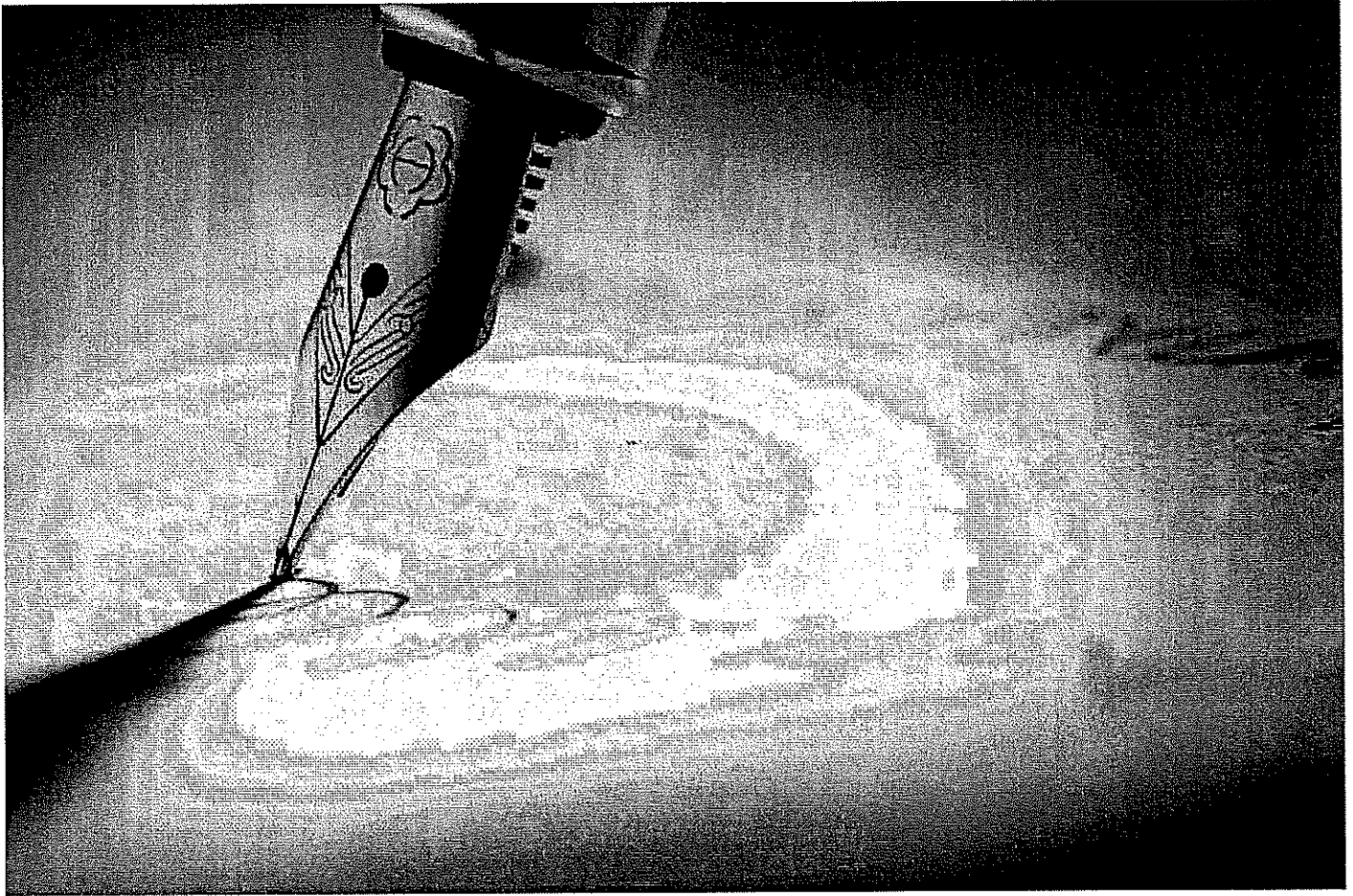


Exhibit J



Arts

Inspiration or plagiarism? Writing hackles raised in Boston dispute



ANTHIA CUMMING/ISTOCKPHOTO

By **Graham Ambrose**

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Good artists copy, but great artists steal, or so the old saying goes. But the truth may be far more complicated, as shown by a recent case of alleged plagiarism that rattled through Boston's literary scene.

Accusations arose in June that a small section of a piece of short fiction chosen by the Boston Book Festival for its annual One City One Story program contained material lifted from another, real-life source. The group is planning to distribute now slightly modified copies of the work for free starting in late August.

The story, “The Kindest,” by Boston writer Sonya Larson, involves a kidney donation and was published last year in American Short Fiction to praise and acclaim. The objections, raised by a former friend of Larson who said the writer had lifted material from her Facebook post, eventually triggered legal and ethical inquiries, as well as questions of when and how it is acceptable for the stuff of real life — someone else’s life in particular — to be transformed into art.

The dispute began in June 2015, when Los Angeles writer Dawn Dorland made a kidney donation. Dorland, who lived in Boston until 2011, says she has known Larson since 2005 as a friend and colleague at GrubStreet, the Boston literary nonprofit where Larson serves as director of the Muse in the Marketplace conference and advocacy.



CHRIS PERRY

Dawn Dorland

Larson belonged to a private Facebook group in which Dorland posted updates for friends and family about her donation process.

In July 2015, a few weeks after her operation, Dorland posted a 380-word open letter she had written to a beneficiary of her donation about why she decided to get involved.

“In 2009 I read my first article about living kidney donation, and in the years since, I have been constantly reminded — whether triggered by my reading (I am a writer), or through the stories of people I know — of the harrowing experience of dialysis and the dire need in our country for kidneys,” Dorland wrote.

Larson has acknowledged that she saw the letter and that Dorland’s donation to a stranger helped inspire her to write “The Kindest,” a story told from the perspective of a woman who receives a kidney.

Larson never mentioned to Dorland the story she was working on. In June 2016, when Dorland heard about the tale through a mutual friend, she felt surprised and hurt not to have been looped in.

Dorland confronted Larson, who in turn defended her actions. “I want to emphasize that my story is not about you or your particular gift, but about narrative possibilities I began thinking about in the context of kidney donation,” Larson wrote in an e-mail. “It is a work of fiction, formed wholly by my particular imagination,” she said in another.

Dorland did not read the story until June 2018, when she was surprised to find a donor letter in Larson’s fiction that bore striking similarities to her own. Dorland’s feeling of personal betrayal turned to professional indignation.

“I think it’s fairly obvious she was working from a copy of my letter,” Dorland said. “This isn’t really writing. It’s almost like Mad Libs. ‘I’ve got this structure and now I’m going to plug-and-play.’”

For instance, this is a line in Dorland’s original letter: “I focused a majority of my mental energy on imagining and celebrating *you*.”

“I withstood the pain by imagining and rejoicing in YOU,” reads a line in the version of “The Kindest” published by American Short Fiction.

The original, 2016 version of “The Kindest,” published on Audible.com, put it even more closely: “I channeled my energies into imagining and celebrating YOU.”

“The Kindest” runs about 5,500 words, and the portion in question makes up about 100 words of that.

Larson denies copying Dorland’s post. “There’s only so many ways to write this letter. It’s a standard letter you write, and you can go online and find many samples of it — which is what I did. I wrote my own fictional letter,” she said.

“Fiction writers encounter ideas all the time from real life,” she added. “You’d be hard-pressed to find a writer who doesn’t work with real-life materials and fictionalize them.

Dorland said that some lawyers told her that the story might constitute an infringement of intellectual property law.

But lawyers consulted by the Globe say that while there appear to be strong similarities between the Facebook post and the note in the story, Dorland's case could be a difficult one to win.

According to Joseph Liu, a professor at Boston College Law School, Larson could mount two defenses: de minimis, or the idea that the extent of the copying is minimal so not worthy of punishment; and fair use, a doctrine of copyright law that allows for materials to be copied on a limited basis without permission from the original owner for certain educational or artistic purposes.

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At this time it is not possible to print the document with annotations.

But some writers and editors say they can understand why the incident might trigger a confrontation, legal questions notwithstanding.

“As a writer, I would have told my friend, ‘Hey, I’m writing this story. Can I use that?’ I would have gotten permission,” said Bret Lott, a novelist and former editor of *The Southern Review*. “It screams, ‘I should have talked to my friend.’”

For their part, the institutions that have published “The Kindest” view the dispute as a private matter between the two writers, although both the Boston Book Festival and American Short Fiction have taken steps in reaction to Dorland’s accusation.

The Book Festival asked Larson to rewrite the offending passages and printed a statement to accompany the story before printing it: “‘The Kindest’ originally appeared, in slightly different form, in American Short Fiction Summer 2017.” The story will be discussed at a town hall event at the festival in October.

Deborah Porter, festival founder and executive director, said that the story-selection committee was “100 percent unanimous that that was the appropriate acknowledgment.”

American Short Fiction, which posted “The Kindest” online in May, decided to pull the story from the site in late June.

“After doing our due diligence, we found this to be more of a private issue between two acquainted writers,” the editors said in a statement to the *Globe*. “In any case, the story had completed a one-month run on our website, and in the interests of finding an agreeable solution, we decided to sunset it.”

Dorland says that she would be satisfied with an apology and a more specific acknowledgment of her contribution to the story, which she feels has been “erased” from the work.

“We as writers are free to do what we’re free to do,” Dorland said. “But I’m not going to hurt people I know by letting them read about their lives in my fiction first. If I’m going to borrow something from someone’s life, I’m going to have a conversation with them.”

Graham Ambrose can be reached at graham.ambrose@globe.com.

ORIGINAL LETTER
by DAWN DORLAND

Dear Recipient,

My name is Dawn Dorland. I'm a 35-year-old white female, and I live with my husband in LA.

In 2009 I read my first article about living kidney donation, and in the years since, I have been constantly reminded--whether triggered by my reading (I am a writer), or through the stories of people I know--of the harrowing experience of dialysis and the dire need in our country for kidneys. I believe that I knew, from the moment I first became aware of the possibility of donating one of my kidneys, that I would one day find a way to do this.

[REDACTED] I was motivated to donate at a time when, due to medical advances and the existence of the National Kidney Registry--especially the leaps they've made matching compatible strangers through paired exchange--

[REDACTED] Personally, my childhood was marked by trauma and abuse; I didn't have the opportunity to form secure attachments with my family of origin. A positive outcome of my early life is empathy, that it opened a well of possibility between me and strangers. While perhaps many more people would be motivated to donate an organ to a friend or family member in need, to me, the suffering of strangers is just as real.

I can't tell you how happy I am that my donation eventually--two organs and four surgeries later--resulted in your receiving xxxxxxx's kidney. Throughout my preparation for becoming a donor, which spanned precisely eight months from my first testing to the date of our surgeries, I was most excited about the recipient who would come off of the deceased donor list and end our chain. [REDACTED]

My gift, which begat xxxxxxx's, trails no strings. You are deserving of an extended and healthy life simply for being here.

Please know that my husband and I would love to know more about you, and perhaps even meet you one day. But I accept any level of involvement or response from you, even if it is none.

Thank you for reading this letter, and be well.

Kindly,
Dawn

EXCERPT FROM "THE KINDEST" (Brilliance Audio 2016 version)
by SONYA LARSON

Dear Recipient,

My name is Rose Rothario. I'm a thirty-eight-year-old white female, and I live in Greater Boston.

In 2015, I saw my first documentary about living kidney donation, and from that point forward I was constantly reminded of the urgent need for kidneys in our country.

[REDACTED]

[...]

I'm grateful to the entire transplant team at MGH, who gave such attentive care from my very first blood test to the date of our paired exchange.

My own childhood was marked by trauma and abuse. I wasn't given an opportunity to form secure attachments with my family of origin. But in adulthood that experience provided a strong sense of empathy. While others might desire to give to a family member or friend, to me the suffering of strangers is just as real.

A few things about me: I like sailing, camping, jewelry, and cats.

As I prepared to make this gift, what sustained me was the knowledge that my recipient would be getting a second chance at life. [REDACTED]

[...]

My gift, you must know, trails no strings. You deserve all that life has to offer, simply because you exist. That said, I would love to know more about you. Perhaps we can meet. But I accept any level of involvement, even if it is none.

Warmly,

Rose M. Rothario